

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JUNE 18, 2002  
(Approved July 2, 2002)

#### CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner and Industry Liaison Okey.

Ronna Chappell of ILBA, Pam Ferguson of WSWI, Lisa Goldner of Bose McKinney and Evans, Bruce McLaren, Jim Calvert of Olinger, and Debra Scott of IABR were present as observers.

#### COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

#### DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the June 4, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the June 18, 2002 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

DL43-19121 NIRMAL KAUR – Executive Secretary Steiner stated this was a recommended denial by the Kosciusko County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing before Hearing Judge JC Buehler. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairperson Glass moved to uphold the Hearing Judge's recommendation to deny this new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

#### APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Four hundred sixty-four (464) renewals approved, sixty-seven (67) new and/or transfer permits approved, twenty-one (21) permits conditionally approved, two (2) permits approved for first year escrow and two (2) permits approved for second year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR18-03371 BUCHANAN INVESTMENT, INC. – Vice Chairperson Glass noted the location of this permit has been annexed into the city limits of Muncie. Permittee is requesting that this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

RR54-05299 WAVELAND PUB, INC. – Vice Chairperson Glass noted this is a new Sunday sales application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RH45-19680 MAHABAHU PANDAV ING, LLC – Vice Chairperson Glass noted this is a new type 215 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL56-19721 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL50-19770 HOOK-SUPERX, INC. – Vice Chairperson Glass noted this is a new type 208 application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR12-19803 MARTIN L. MATHEWS – Vice Chairperson Glass noted this is a new type 210 application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RC22-95405 THOMAS ENGLISH ELKS LODGE #1510 – Vice Chairperson Glass noted this is a type 211-4 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR67-19534 WALTER KASPRZYCKI, JR. – Vice Chairperson Glass noted this is an auction permit that has not been put into use. The permittee is requesting permission to transfer this permit to another owner. He submitted a letter stating that this was not speculative.

Vice Chairperson Glass moved to approve this request. Motion seconded by Chairperson DePrez and Commissioner Marks opposed this request. The motion passed 2-1.

### **INACTIVE FILES**

Commissioner Marks moved to make twenty-eight permits inactive. Twenty-seven (27) permits are not subject to auction and one (1) permit is subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RC49-03167 HOTELMEN'S CLUB – This appeal was originally assigned to Hearing Judge Steiner. Chairperson DePrez stated this appeal would be reassigned to a new Hearing Judge, due to possible conflicts.

RR49-12296 POWER PROMOTIONS, LLC – Chairperson DePrez stated this appeal will be assigned to a hearing officer.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**

BROWN-FORMAN/PRI-PAK – Chairperson DePrez stated she received a letter requesting permission for Brown-Forman, who holds an Indiana Primary Source Permit, to be considered an alternate proprietor for Pri-Pak, who holds an Indiana Vintner Permit. Brown-Forman would be manufacturing the base for flavored malt cooler products for Pri-Pak, who would process, bottle and store the end products.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

EVANSVILLE FREEDOM FESTIVAL – Evansville Freedom Festival is requesting permission to serve donated alcoholic beverages at their fundraiser to benefit the Freedom Festival.

PREVAIL, INC. "RED, WHITE & BLUES" – Prevail, Inc. is requesting permission to hold a wine tasting to benefit their organization.

CLEAR LAKE YACHT CLUB WINE TASTING – Clear Lake Yacht Club is requesting permission to hold a wine tasting to benefit the Clear Lake Sailing School.

CAPITAL IMPROVEMENT BOARD OPTIMIST INTERNATIONAL CONVENTION  
– Capital Improvement Board is requesting permission to serve donated alcoholic beverages for the Optimist International convention.

Vice Chairperson Glass moved to approve these requests. Motion seconded by Commissioner Marks and it was unanimously approved.

### **POLICY DETERMINATIONS**

There were no Policy Determinations.

### **UNDER ADVISEMENT**

There were no matters Under Adviseement.

### **ANNOUNCEMENTS**

Chairperson DePrez stated the next regularly scheduled Commission meeting would be held on July 2, 2002, at 9:30 a.m., instead of 2:30 p.m.

### **ADJOURNMENT**

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER